



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,674	09/26/2005	Jeffrey Wilson	DYOUP0298US	8336
23908 7590 05/21/2009 RENNER OTTO BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE NINETEENTH FLOOR CLEVELAND, OH 44115			EXAMINER GAUTHIER, GERALD	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 05/21/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/550,674	WILSON, JEFFREY	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gerald Gauthier	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 35-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 35-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claim 67** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "A computer program" is a nonstatutory limitation and cannot be claimed as stated in claim 67.

**Claims 51-66** are rejected under 35 U.S.C. 101 because they are method claims running by the computer program described above.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 35-68** are rejected under 35 U.S.C. 102(e) as being anticipated by Zilliacus (US 2003/0211856 A1).

Regarding **claims 36 and 52**, Zilliacus discloses an apparatus, wherein the function selecting means is operable, upon recognition by the recognizing means, to forward the received message to an alternative delivery means [paragraph 0052].

Regarding **claims 37 and 53**, Zilliacus discloses an apparatus, wherein the alternative delivery means provides an archive or copy function [paragraph 0042].

Regarding **claims 38 and 54**, Zilliacus discloses an apparatus, wherein the alternative delivery means includes means for translating the received message into email form, and means for delivering the translated message in email form [paragraph 0050].

Regarding **claims 39 and 55**, Zilliacus discloses an apparatus, wherein the alternative delivery means may be operable to forward the received message to more than one destination [paragraph 0050].

Regarding **claims 40 and 56**, Zilliacus discloses an apparatus, wherein the alternative delivery means is operable to forward the message to the sender of the message [paragraph 0051].

Regarding **claims 41 and 57**, Zilliacus discloses an apparatus, wherein the alternative delivery means is operable to forward the message to the message recipient [paragraph 0052].

Regarding **claims 42 and 58**, Zilliacus discloses an apparatus, wherein the function selecting means is operable both to send the message by the normal delivery function, and also to send the message by the alternative delivery means [paragraph 0053].

Regarding **claims 43 and 59**, Zilliacus discloses an apparatus, wherein the function selecting means is operable to remove the suffix from the destination address before sending the message by the normal delivery function [paragraph 0054].

Regarding **claims 44 and 60**, Zilliacus discloses an apparatus, wherein the function selecting means is operable to send the message by the alternative delivery means only [paragraph 0052].

Regarding **claims 45 and 61**, Zilliacus discloses an apparatus, wherein the function selecting means has a default setting for sending the message both by the normal delivery function and also by the alternative delivery means, and recognition of the suffix is operable to override the default setting so as to override the normal delivery function [paragraph 0054].

Regarding **claims 46 and 62**, Zilliacus discloses an apparatus, wherein the function selecting means has a default setting for change of the normal message delivery function, and recognition of the suffix is operable to override the default setting [paragraph 0052].

Regarding **claims 47 and 63**, Zilliacus discloses an apparatus, including a database storing destination addresses for the alternative delivery means [paragraph 0053].

Regarding **claims 48 and 64**, Zilliacus discloses an apparatus, wherein the database is operable to map between caller identifiers and the destination addresses for the alternative delivery means [paragraph 0055].

Regarding **claims 49 and 65**, Zilliacus discloses an apparatus, wherein the function selecting means may be provisioned by receipt of a message [paragraph 0055].

Regarding **claims 50 and 66**, Zilliacus discloses an apparatus, wherein the function selecting means may be provisioned via a web interface [paragraph 0058].

Regarding **claim 51**, Zilliacus discloses a telecommunications services method in a telephone messaging system [paragraph 0001], the method comprising

recognizing a predefined arrangement of one or more characters as a suffix to a destination address of a message being submitted to the telephone messaging system [the participants transmit their votes to a predetermined address by way of a wireless signaling channel such as SMS. The predetermined address corresponds to that provided by way of instructions as shown at block 806, and may include the MSISDN or other mobile subscriber number, an operator short number, an e-mail address, paragraph 0050], and

selecting a function required by the sender of the message upon recognition of the suffix so as to change the normal message delivery function thereby to change or augment the processing or routing of the message, wherein a message router performs the function selecting step by selectively diverting messages away from a message service centre of the messaging system [The SMS message is parsed 814 or otherwise examined to identify the actual "vote" of each participant. The voting results are updated 816 in response to the received vote, and the vote results are input 818 to the presentation program. In an alternative embodiment, a predetermined number of votes may be collected before the vote results are input 818 to the presentation program. The voting results are displayed 820 as an integral part of the presentation. If more vote results are present as determined at decision block 822, paragraph 0050].

Regarding **claim 35**, Zilliacus discloses all the limitations of claim 35 as stated in claim 51's rejection above.

Regarding **claim 67**, Zilliacus discloses all the limitations of claim 67 as stated in claim 51's rejection above.

Regarding **claim 68**, Zilliacus discloses all the limitations of claim 68 as stated in claim 51's rejection above.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/  
Primary Examiner, Art Unit 2614

/GG/  
May 20, 2009